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Examinations
Publications



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Employer's Guide to the Employment Standards Act



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Ontario Minimum Wage Regulations

These are the minimum hourly wage rates* for:

	<u>Rate</u>
General workers (includes domestic and harvest workers)	\$6.85
Homeworkers	\$7.54
Students (under 18 years)	\$6.40
Liquor servers	\$5.95
Hunting/fishing guides get a minimum daily rate*	
- for five (5) hours or more in a day	\$68.50
- for less than five (5) hours	\$34.25

These are the maximum room and meal allowances* that can be used to calculate the minimum wage rate for general workers:

Room (weekly)	
- private	\$31.70
- non-private or shared	15.85
Meals	
- each meal	\$ 2.55
- weekly maximum	53.55
Rooms & Meals (weekly)	
- with private room	\$85.25
- with non-private or shared room	69.40
Harvest Workers (only) weekly housing	
- serviced maximum	\$99.35
- unserviced maximum	73.30

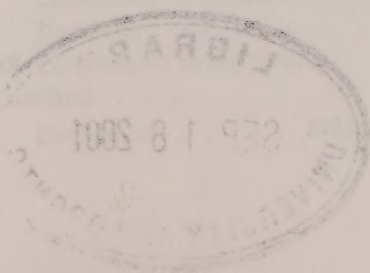
*These took effect at the beginning of the work week that included January 1, 1995.

For more information, contact your local Ministry of Labour office.

July 1998

Employer's Guide to the Employment Standards Act

July 1998



Copies of this Guide and other Guides, Statutes and Regulations relating to Employment Practices and Occupational Health and Safety may be purchased from the Ministry of Labour offices listed at the back. Cheques and money orders payable to the Minister of Finance. Prepayment required. VISA, MasterCard and debit cards accepted. Copies of these and other Ontario Government publications may also be purchased

from

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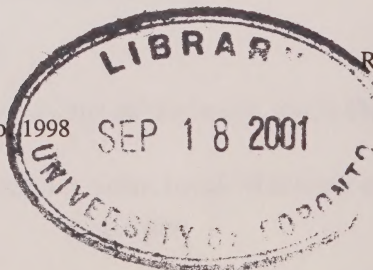
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ISBN 0-7778-7632-9

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Rev. 07/98



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Preface

The *Employer's Guide to the Employment Standards Act* is a convenient source of information about employing people in Ontario. You should understand that this guide is for your convenience and information only. It is not a legal document. For precise information and interpretation, please refer to the text of the *Employment Standards Act* and the appropriate regulations.



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Introduction

This booklet is designed to give you the basic information you need to know to employ people in Ontario. This guide tells you about the minimum requirements in the law. As the employer, you can surpass the requirements if you wish but you must meet the minimum requirements.

Application

The *Employment Standards Act* (the Act) is the law that contains Ontario's basic rules about employing people. Employees and employers have both rights and responsibilities under the Act.

Most employers and employees in Ontario are covered by this provincial law. But the Act does not apply to you if you operate a business that is regulated by the Government of Canada, such as: airlines, banks, shipping companies, radio and television stations, inter-provincial transport of goods and people.

Other exemptions from the *Employment Standards Act* include:

- a secondary school student who is working as part of a work experience program authorized by the student's school board;
- a person working under a program approved by a community college or university;
- an inmate of a correctional institution who works either inside or outside the institution in a work project or rehabilitation program that is authorized under the *Ministry of Correctional Services Act*;

- an offender who performs work or services under a court sentence or order; and
- a participant in a program established under s.s. 4.3(3) of Regulation 537 under the *General Welfare Assistance Act*, but only with respect to that part of the program involving community participation activities.

ARE YOUR EMPLOYEES COVERED BY ALL PARTS OF THE EMPLOYMENT STANDARDS ACT?

The Act, or certain parts of it, apply to most employees working in Ontario. Check the following table to find out which parts of the law cover your employees. Generally, there is no difference in the entitlement of part-time employees and full-time employees unless it is specifically noted. For example, see babysitters and domestic employees.

Not all employees are listed in this chart. If yours do not appear, call the nearest Ministry of Labour office for more information.

Symbols mean employees are:

- covered by this part of the law
- not covered by this part of the law
- ◐ covered by this part of the law, but the rules are slightly different.

Job Group	Parts of the Law					
	Minimum Wage	Hours of Work	Overtime Pay	Paid Public Holidays	Vacation with Pay	Termination Notice/Pay
Ambulance drivers and helpers	●	●	○	●	●	●
Apartment building supervisors and caretakers who live in the building *	○	○	○	○	●	●

* The requirement for a half-hour meal period applies

Symbols mean employees are:

- covered by this part of the law
- not covered by this part of the law
- ◐ covered by this part of the law, but the rules are slightly different.

Job Group	Parts of the Law					
	Minimum Wage	Hours of Work	Overtime Pay	Paid Public Holidays	Vacation with Pay	Termination Notice/Pay
Babysitters who live in and who work more than 24 hours per week*	●	◐	◐	●	●	●
Babysitters who work 24 hours or less per week*	○	○	○	○	○	●
Companion who cares for aged, infirm or ill members of a household*	○	○	○	○	○	●
Some Construction employees **	●	○	◐	◐	●	○
'Continuous operation' employees who work in oil refineries, breweries, etc.	●	●	●	◐	●	●
Domestic employees who work more than 24 hours per week*	●	◐	◐	●	●	●
Domestic employees (live-out), who work 24 hours or less per week*	●	○	○	○	○	●
Domestic employees employed as homemakers by a third party such as an agency	◐	◐	◐	●	●	●
Drivers and drivers' helpers on a 'for hire' pick-up or delivery vehicle for local cartage	●	●	◐	●	●	●

* This refers only to a person employed by the householder. If the person is employed by someone other than the householder then all parts of the law would apply.

** The requirement for a half-hour meal period applies

Symbols mean employees are:

- covered by this part of the law
- not covered by this part of the law
- ◐ covered by this part of the law, but the rules are slightly different.

Job Group	Parts of the Law					
	Minimum Wage	Hours of Work	Overtime Pay	Paid Public Holidays	Vacation with Pay	Termination Notice/Pay
Drivers of 'for hire' highway transport trucks	●	●	◐	●	●	●
Employees who <ul style="list-style-type: none"> - grow, move or lay sod * - care for horses on a farm * - keep fur-bearing animals for pelt production * - work in landscape gardening * - grow mushrooms, flowers, trees or shrubs for sale * 	●	○	○	○	●	●
Farm employees who are employed in primary production of eggs, milk, grain, seeds, fruit, vegetables, livestock, poultry, honey, maple products and tobacco	○	○	○	○	○	●
Firefighters (full-time) *	●	○	○	○	●	●
Fisher persons (commercial)	○	○	○	○	○	●
Funeral directors and embalmers *	●	○	●	●	●	●
Fruit, vegetable & tobacco harvest employees	◐	○	○	◐	◐	●
Homeworkers (employees who do work in their own home for an employer, such as sewing, etc.)	◐	●	●	●	●	●

* The requirement for a half-hour meal period applies

Symbols mean employees are:

- covered by this part of the law
- not covered by this part of the law
- ◐ covered by this part of the law, but the rules are slightly different.

Job Group	Parts of the Law					
	Minimum Wage	Hours of Work	Overtime Pay	Paid Public Holidays	Vacation with Pay	Termination Notice/Pay
Hotel, motel, tourist resort, restaurant or tavern employees who live in and who work						
- 24 weeks or less per year	●	●	◐	●	●	●
- 16 weeks or less per year	●	●	◐	○	●	●
Hunting and fishing guides *	◐	○	○	○	●	●
Laboratory technologist trainees	○	●	●	●	○	●
Managerial and supervisory employees *	●	○	○	●	●	●
Nannies (full-time or part-time)	●	◐	◐	●	●	●
Ontario government employees and other Crown employees	○	○	○	○	○	●
Part-time employees (unless exempt)	●	●	●	●	●	●
Qualified professional employees (teachers, doctors, lawyers, accountants, etc.) and students training for professions	○	○	○	○	○	●
Radiological technician trainees, registered nursing assistant trainees	○	●	●	●	○	●
Registered drugless practitioners	○	○	○	○	○	●

* The requirement for a half-hour meal period applies

Symbols mean employees are:

- covered by this part of the law
- not covered by this part of the law
- ① covered by this part of the law, but the rules are slightly different.

Job Group	Parts of the Law					
	Minimum Wage	Hours of Work	Overtime Pay	Paid Public Holidays	Vacation with Pay	Termination Notice/Pay
Registered real estate salespersons working for a broker	○	○	○	○	○	●
Salespersons who earn commission and who sell away from their employer's office or plant (except those who sell on a route)	○	○	○	○	○	●
'Seasonal' employees who <ul style="list-style-type: none"> - work 16 weeks or less for the same employer and whose work is directly related to the canning, packing or processing of fruits and vegetables - includes drivers who deliver processed products, if they are seasonal and are employees of the processing company 	●	●	①	●	●	●
Students who work at children's camps, as instructors or supervisors of children, or in recreation programs run by charitable organizations	○	●	○	○	●	●
Taxi cab drivers	●	●	○	○	●	●

Other Legislation

The *Employment Standards Act* contains only some of the rules that you must follow as an employer. Other federal and provincial legislation sets out additional rules you must also follow. Federal laws include income tax, employment insurance record of employment and Canada Pension Plan.

Other Ontario laws enforced and administered by the Ministry of Labour include the *Occupational Health and Safety Act*, the *Industrial Standards Act*, the *Employment Agencies Act*, the *Labour Relations Act*, the *Pay Equity Act* and the *One Day's Rest in Seven Act*.

In addition, the *Workplace Safety and Insurance Act, 1997* is administered and enforced by the Workplace Safety and Insurance Board; the *Employer Health Tax Act* is enforced and administered by the Ministry of Finance, and the *Human Rights Code* by the Human Rights Commission.

Hours of Work

The Act says that, with some exceptions, the maximum number of hours that you can require employees to work are eight hours a day and 48 hours a week.

(Overtime pay usually starts after working 44 hours in a workweek. For more information on overtime pay, please see “Overtime” section.)

EXCEPTIONS

The exceptions to the eight-hour-a-day, 48-hour-week rule are described below.

Emergencies

In an emergency you can require your employees to work more than the normal limit of eight hours a day or 48 hours a week.

An emergency is an urgent situation that has not been planned for.

An example would be an accident or a breakdown in machinery. Because of this, others in the workplace are unable to do their jobs. This is **an emergency** - and you can order your employees to work extra hours to repair the machinery or help with the accident.

A seasonal busy period (such as Christmas) is **not an emergency**.

Approved Longer Days Permits (Gold)

If your employees (or their union) agree, you can arrange a regular workday that is more than eight hours long excluding meal breaks. But the workday must not be longer than 12 hours excluding meal breaks, and the maximum of 48 hours a week still applies.

This type of arrangement allows for "compressed workweeks" where the employees work longer hours during the day in exchange for fewer days a week.

Excess Hours Permits (Blue)

These permits let employees work more than eight hours a day or 48 hours a week.

There is a limit to how many excess hours a person can work. For most employees, the limit is 100 hours a year.

The Excess Hours Permit **must be posted in the workplace** where employees can see it.

There are two types of excess hours permits:

- **Basic Excess Hours Permit (blue)** This covers the whole workplace. It allows up to 100 excess hours in a year for each employee.
- **Designated Occupations (blue)** Employees in these occupations are allowed to work up to 12 extra hours a week:
 - receiver
 - shipper
 - engineer
 - delivery truck driver and/or helper
 - stoker
 - full-time maintenance
 - watchman/watchwoman

Extended Excess Hours Permit (Green)

This permit applies when the excess hours under the basic excess hours permit (blue) are exhausted. The permit applies only to those employees and jobs for whom the application is made.

This permit allows employees doing these particular jobs to work additional excess hours in a year.

An application for a green permit will not be approved without the agreement of the employees or the union.

Industry Permits

There are a number of excess hours approvals and permits held by certain industries. This means that businesses in those industries may not have to make individual application for permits. The Ministry can provide you with information and details about the permit that applies to your industry.

See Appendix A for a list of industry permits.

Note: *Even if you have a permit, your employees have the right to refuse to work more than eight hours a day or 48 hours a week unless they (or their union) have an earlier agreement. The rules about overtime pay do not change.*

APPLICATIONS FOR PERMITS

You must apply to the Director of Employment Standards for approved longer day permits and for excess hours permits.

To do this, write to: **The Director of Employment Standards,**
Ministry of Labour
400 University Avenue, 11th Floor
Toronto, Ontario
M7A 1T7.

Meals and Other Breaks

You cannot ask employees to work more than five hours in a row without a half-hour meal break. A meal break is the employees' own time and you do not have to pay them for it. If you want your employees to take meal breaks that are shorter than a half-hour, they (or their union) must agree — they can refuse. Shorter meal breaks must be approved by the Ministry of Labour.

All other breaks or rest periods, including coffee breaks are considered work time for which employees must be paid except where:

- they are allowed to leave the workplace during the breaks for their own personal business;
- they are on call, but not at the workplace; or
- they are getting a period to sleep that is six hours or longer and you provide the sleeping facilities.

Vacation

VACATION TIME

You must give your employees an annual vacation after they have been employed by you for a full 12 months. The 12 months of employment an employee needs to qualify for annual vacation **includes** any time that was spent away from work because of:

- layoff;
- sickness or accident;
- approved leave;
- pregnancy and parental leave.

You decide when your employees take their vacation. It must be either two weeks in a row or two periods of one week each.

You do not have to give your employees an annual vacation immediately after they complete 12 months of employment. They must get their annual vacation not later than 10 months after they have earned it. This means you must give the vacation within 22 months from the time an employee begins working for you. It is your obligation to make sure that vacations are scheduled and taken.

VACATION PAY

When employees are on annual vacation, you pay them at least four per cent of the wages they earned during the 12 months the vacation was earned.

Vacation pay is calculated only on an employee's earned wages during those 12 months unless you have a better vacation plan than the minimum standard in the Act.

The earned wages include overtime pay but do not include:

- vacation pay;
- tips;
- discretionary bonuses that are not related to hours of work, productivity or efficiency;
- expenses or travel allowances;
- money you pay to a benefit or pension plan on your employees' behalf.

When to Pay

You must pay the vacation pay when your employees take their vacation. If you want to pay it to them at any other time, you must get the Ministry's approval.

If you have an employee who worked for you for less than one year and has quit or retired or was terminated (and therefore is not qualified for annual vacation with pay), you must pay them vacation pay. This is at least four per cent of their earnings while they worked for you — even if they worked for less than one hour. This vacation pay must be paid no later than 7 days after their employment ends.

If a worker's employment ends before they take their vacation, you must pay them all of their vacation pay no later than seven (7) days after their employment ends.

For some temporary staff or contract staff the four per cent is added to each pay cheque. You must get such an arrangement approved in advance by the Ministry.

VACATION AND PUBLIC HOLIDAYS

If your employees qualify for paid public holidays, and one happens to fall during their annual vacation, that day is not counted as part of the vacation time. They are entitled to another day off with pay, which has to be taken before their next annual vacation. The day may be added to the current vacation or, if you both agree, you may pay your employees a regular day's pay for that holiday instead.

Public Holidays

The purpose of a public holiday is to provide employees with a paid day off.

Ontario has eight paid public holidays:

- New Year's Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day
- Boxing Day (December 26th)

If you have employees who qualify for paid public holidays, they are entitled to these days off and you are required to pay them for the day.

Please note that the first Monday of August is not a public holiday under the Act although many employers treat it as such.

QUALIFICATIONS

To qualify for a paid public holiday, full-time and part-time employees must meet five conditions. They must have:

- been employed for three months or more
- and
- earned wages on at least 12 days during the four workweeks before the holiday
- and
- worked their regularly scheduled day before and the regularly scheduled day after the holiday
- and
- they must not be employed under an elect-to-work arrangement

and

- a reasonable excuse if they have agreed to work on the public holiday but fail to show up and perform the work.

Remember, if employees don't qualify for paid public holidays, as set out in the rules above, you can require them to work on holidays.* You must pay them one and one-half times their regular wage for those hours, and they don't get a substitute holiday.

If they are exempt from paid public holidays as set out on pages 2-6 they can be required to work on the holiday and they are not entitled to a premium pay.

An explanation of the "day before and the day after" rule follows.

Scheduled Day Before and Day After Rule

Your employees will still qualify for the paid public holiday if you gave them permission to be away from work on either (or both) of their regularly scheduled work days before or after a public holiday.

For example, Monday is a public holiday and your employee normally works Monday through Friday. The scheduled days before and after the public holiday are ordinarily Friday and Tuesday. However, you have given permission to take Tuesday as a day off which makes Wednesday the regularly scheduled work day following the holiday. If your employee came to work on both the Friday and the Wednesday, and the other rules are met, he or she is entitled to the paid public holiday.

Changes to a person's regularly scheduled day before or after a public holiday can result from vacation, layoff or pregnancy and parental leave.

* *Retail employees (except those in the hospitality industry) have the right to refuse to work on public holidays even if they don't qualify for them. The hospitality industry includes businesses which primarily sell meals, rent accommodations, are open to the public for educational, recreational or amusement purposes, or sell goods and services incidental to and on the same premises as one of these businesses.*

PAID DAY OFF

If the holiday falls on a day that qualified employees do not usually work, you must give them a substitute holiday with pay. They must get this paid day off either before their next annual vacation or added to it as an extra day. You have the right to approve the day the employees chose for their substitute holiday.

Or, you may offer your employees a regular day's pay for the holiday instead of a substitute holiday. They are not obliged to take the regular day's pay, however, and can choose to take the substitute day off.

If your employees' pay changes from day to day or they do not usually work on the weekday that the holiday falls on, the regular day's pay can be calculated as follows:

- the wages your employees earned in the 13 weeks before the week of the holiday (do not count any overtime pay, sick pay or vacation pay)

divided by:

- the number of days they worked during those 13 weeks.

The result is the regular day's pay that your employees get paid for the public holiday.

If your employees work on a piece-work system, their regular day's pay is calculated the same way as above.

WORKING ON A PUBLIC HOLIDAY

You can ask your employees to work on a holiday, but most will have the right to refuse. The exception may be found on page 17 under "Special Rules". (If a union represents them, it may decide about holiday work on their behalf.)

If any of your employees agree to work on the holiday, you must pay them their regular wages for all the hours they worked on

that day. But they still keep their right to a paid public holiday. This means you must schedule them another workday off with pay to substitute for the public holiday they worked.

This is called a “substitute holiday”, and you must allow them to take it before their next vacation.

For example, if July 1st (Canada Day) falls on a Thursday, most employees have a right to that day off. They may, however, agree to work on the Thursday and agree to take the Friday off instead. Employees who are exceptions to this rule can be found under “Special Rules” below.

If an employee leaves before they have taken the substitute holiday, you must pay the employee their regular wage for that substitute holiday.

Please note, if employees agree to work on a public holiday, but don't show up for work, they may lose their right to a paid public holiday or a substitute holiday unless they have a legitimate reason for staying away.

Special Rules

Special rules apply to employees in the following businesses:

- hotels, motels, and tourist resorts;
- restaurants and taverns;
- hospitals or nursing homes;
- continuous operations that operate 24 hours a day, such as an oil refinery or a security company.

If you operate one of these businesses, you can require your employees to work on a paid public holiday. If they meet the qualifications and are entitled to be paid for working on a public holiday, you then must do one of the following:

- Pay your employees their regular wage for all the hours they work on the holiday itself and give them a substitute day off

(a working day off with pay for the holiday they worked). You and your employees decide when this day off with pay will be. If you can't agree, the day off will be the first working day after their next yearly vacation.

or

- Pay your employees one and one-half times their regular wage for all hours they work on the holiday plus a regular day's pay. In this case, your employees do not get a substitute holiday.

You do not need the employees' agreement to exercise either of these options.

Elect-to-work Employees

Employees who are free to decide when to work and can turn down work without penalty are not entitled to paid public holidays. If you think that your employees fall into this category, call the Ministry.

Equal Pay for Equal Work

Ontario has a law called the *Pay Equity Act* * to ensure that men and women receive equal pay for work of equal value. There are also provisions in the *Employment Standards Act* that ensure that men and women receive equal pay when doing substantially the same job.

According to the *Employment Standards Act* you cannot pay a woman less than a man if she is doing substantially the same kind of work that he is doing in the same establishment. This applies in reverse — a man cannot receive less pay than a woman if he is doing substantially the same work.

"Substantially the same work" means the same kind of work that involves about the same levels of skill, effort, responsibility and working conditions. The duties do not have to be exactly the same to be substantially the same.

For example, a man and a woman are working on your production line. She packs plastic spoons into small boxes and he packs the small boxes into bigger boxes. There is nothing about either of these jobs that requires more skill, effort or responsibility. Your employees are doing substantially the same work and you must pay them both the same wage.

* *Pay Equity means comparing the value of different jobs that are not substantially the same. For more information on pay equity, please contact the Pay Equity Commission.*

In a second example, you own two clothing stores in the same city, one sells women's clothes and the staff are women, the other store sells men's clothes and the staff are men. The two stores are considered to be one establishment in the legislation because they are in the same municipality. Since the staff in both stores do substantially the same work (selling clothes), everyone, with certain exceptions, should receive the same pay.

If you have not been paying your staff equal pay for equal work, you must take steps to change that. You must raise the lower wages so that they equal the higher wages — not lower the higher wages.

EXCEPTIONS

Even if a man and a woman are doing substantially the same work, you can pay them differently if the reason is one of the following:

- a seniority system. You can pay more to an experienced employee than to a new employee doing the same job.
- a merit system. You can give an employee a raise or a bonus based on work performance.
- a piece-work system. You can pay an employee more for producing more work or better work.
- any difference that is not based on the sex of the employee. For example, you can pay more if your employee works at night.

Minimum Wage

Minimum wage is the lowest hourly wage rate an employer can pay employees. Most full-time and part-time employees are entitled to minimum wage.

Note: For the minimum wage rates and maximum deduction for rooms and meals, please consult the insert with this publication.

MINIMUM WAGE RATES

There is a general minimum wage rate that applies to most employees. But there are also other rates that apply to:

Employees who regularly serve liquor

This lower hourly rate applies to staff who serve liquor directly to customers in licensed premises as a regular part of their work.

"Licensed premises" means the part of a place that has a *Liquor Licence Act* permit.

Students under 18

This lower hourly rate applies to some students under 18 years of age. You must pay them at least the student minimum wage if they are full-time students and work less than 28 hours in a week. If they are full-time students but work more than 28 hours, they get paid the general minimum wage. Students under 18 who attend school full-time also get at least the student minimum wage if they work any number of hours while on a school break or during summer holidays. They get at least this rate for all hours worked in a week. If they are not attending school on a full-time basis, they get paid at least the general minimum wage.

Hunting or Fishing Guides

Hunting or fishing guides are paid for blocks of time, not by the hour. They get a minimum amount for working fewer than five hours in a row and a minimum amount for working five hours or more in a day, which do not have to be consecutive.

Homeworkers

Homeworkers and students under 18 who are homeworkers are entitled to a premium wage rate of 110 per cent of the general minimum wage rate.

Harvest employees

Employees who harvest fruit, vegetables or tobacco get the general minimum wage. (A student under 18 employed to do harvest work gets at least the student minimum wage. The same conditions about hours and school terms apply.)

Note: *Some harvest employees are paid by the amount of work they do, not by the number of hours they work. This is called piece-work. The piece-work rate is intended to provide employees with earnings equivalent to the minimum wage for the hours they worked. For further information contact the Ministry.*

DEDUCTIONS FOR ROOMS AND MEALS

Your employee's gross pay, before any deductions are taken off (such as CPP, EI, income tax and room or meals), must add up to at least the minimum wage.

If your employee is paid at the minimum wage, and gets room or meals, or both, from you, there is a limit to the amount that you can deduct to cover these costs. Also, you can make the deduction only if your employee gets the meals and occupies the room.

If you pay your employees more than the minimum wage, you may deduct more for room and board. However, there must be a written authorization for these deductions. In that case, the cash wages, after room and board deduction but before deductions for Canada Pension Plan, Employment Insurance and Income Tax, must be equal to or greater than the minimum wage less the maximum amounts for room and board set out in the Act .

THREE-HOUR RULE

If you call employees in to work, but they work less than three hours, you must pay whichever of the following pays them the higher amount:

- three hours at the minimum wage or
- the employees' regular wage for the time worked.

This is sometimes called the "three-hour rule". The rule does not apply to:

- students (including students over the age of 18); and
- employees whose regular shift is less than three hours long.

COMMISSION SALESPERSONS

If your employees' pay is based completely or partly on commission*, it must amount to at least the minimum wage for each hour they worked.

To make sure that an employee is receiving the minimum wage, take the total amount that they earned over a workweek and divide it by the number of hours worked in that workweek. For example:

- your employee's pay over a workweek was \$150.00. During this week a total of 25 hours was worked.
- \$150.00 divided by 25 is \$6.00. If the minimum wage is \$6.85 an hour, then 25 hours at \$6.85 is \$171.25.
- you owe your employee the difference between the commission pay (\$150.00) and what you would have paid for the same number of hours at the minimum wage.

In this example, you owe your employee \$21.25.

$$(\$171.25 - \$150.00 = \$21.25)$$

Note: See page 6 for entitlements

* Special rules may apply to some commission sales people. Please refer to the chart on page 6.

Overtime

Overtime pay for most employees begins after they have worked 44 hours in a workweek.

The law says that overtime pay is one and one-half times employees' regular wage. This is sometimes called "time-and-a-half".

For example, if the regular wage rate is \$8.00 an hour, then the overtime wage would be:

$$\$8.00 + \$4.00 \left(\frac{1}{2} \text{ of } \$8.00 \right) = \$12.00$$

EXCEPTIONS

Not all employers have overtime after 44 hours in a week.

For example,

- local cartage drivers and drivers' helpers earn overtime pay after they work 50 hours in a workweek;
- highway transport truck drivers earn overtime pay after they work 60 hours in a workweek.

Note: *Truck drivers delivering the employer's own goods are entitled to overtime after 44 hours in a workweek.*

CALCULATIONS FOR HOURLY WAGES

The following are examples of how overtime pay is calculated for ordinary workweeks and for weeks with public holidays.

Example 1:

This example shows overtime pay in a regular workweek in which there is no public holiday.

Regular hourly rate:	\$ 7.00
Overtime wage rate is 1½ regular hourly rate:	\$10.50

Day of the Week	Number of hours worked that day
Sunday	0
Monday	8
Tuesday	12
Wednesday	9
Thursday	8
Friday	8
Saturday	<u>8</u>
Hours worked this week	53

Any hours over 44 in a workweek are overtime hours, so the employee has 9 overtime hours:

$$53 - 44 = 9$$

Regular Pay:	44 x \$ 7.00 = \$308.00
Overtime Pay:	9 x \$10.50 = \$ 94.50
Total Pay	= \$402.50

Example 2:

This example shows overtime pay in a week with a public holiday (on Monday). The employee qualifies for public holidays and takes the day off with pay.

Regular hourly rate: \$ 7.00

Overtime wage rate is $1\frac{1}{2}$ regular hourly rate: \$10.50

Day of the Week	Number of hours worked that day
Sunday	0
Monday	0
Tuesday	12
Wednesday	9
Thursday	8
Friday	8
Saturday	<u>8</u>
Hours worked this week	45

Regular Pay: $44 \times \$ 7.00 = \308.00

Overtime Pay: $1 \times \$10.50 = \$ 10.50$

Public Holiday Pay (Monday): $8 \times \$ 7.00 = \$ 56.00$

Total Pay = \$374.50

CALCULATIONS FOR SALARIED EMPLOYEES

1. If the employee has set hours and a salary that is adjusted for variations in the set hours, overtime is calculated on the following basis:
 - divide the unadjusted salary by the set hours to determine the hourly rate
 - the overtime rate is one and one-half times the hourly rate.
2. If employees' hours change but their pay stays the same, the regular wage is calculated by dividing the weekly wage by the number of hours worked in that week. For example:
 - the employee's weekly wage is \$500.00. In one workweek she worked 50 hours. Her hourly pay this week was \$500.00 divided by 50, or \$10.00 an hour.
 - she has worked six (6) hours of overtime (50 - 44). She is entitled to six hours at 1½ times her regular pay of \$10.00 an hour. Her overtime pay is \$15.00 an hour.
 - she earned \$10.00 an hour of regular pay for these hours already. So she is entitled to an extra \$5.00 an hour for the six (6) hours of overtime, or \$30.00 extra.

CALCULATIONS FOR PIECE-WORKERS

To calculate the overtime pay for piece-workers (employees who are paid for each unit of work performed), take the total amount earned by the employee over a pay period and divide it by the number of hours he or she worked in that same period. For example:

- an employee's piece-work pay over one workweek was \$480.00. During this week, he worked a total of 48 hours. \$480.00 divided by 48 is \$10.00 an hour.

- he has worked four hours of overtime in this week ($48 - 44 = 4$). He is entitled to four hours of overtime pay at $1\frac{1}{2}$ his regular pay of \$10.00 an hour. His overtime pay is \$15.00 an hour.
- he has earned \$10.00 an hour regular pay for these hours already. So he is entitled to an extra \$5.00 an hour for the four (4) hours of overtime, or \$20.00 extra.

AVERAGING HOURS

In industries where the overtime threshold is 44 hours and your employees (or their union) agree, you may average work hours over two or more weeks. Any such agreement to average work hours must meet certain conditions and must be approved by the Director of Employment Standards of the Ministry of Labour.

WHAT YOU CANNOT DO

You and your employees cannot agree that they will give up their legal right to overtime pay under the Act.

You cannot lower their regular wage to avoid paying time-and-a-half after 44 hours in a workweek. For example, you pay your employees a regular wage rate of \$12.00 an hour when they do not work overtime, but try to drop their "regular rate" to \$8.00 when they do work overtime. This is not legal under the Act.

Hours worked on a public holiday are not counted into overtime if employees are entitled to earn premium pay when they work on a public holiday or the "substitute" public holiday.

There is no rule for daily overtime. Employees earn overtime (with some exceptions) after they have worked 44 hours in a week. Employees do not earn overtime by working more than a set number of hours in a day.

Pregnancy leave is a right that enables pregnant women to take 17 weeks of unpaid leave from work. They may choose to take less time or, in special cases, the leave may be longer.

Parental leave is a right that enables natural and other new parents up to 18 weeks of unpaid leave from work when a baby or child first comes into their care. Both parents are entitled to this leave. Parental leave is not part of pregnancy leave. A birth mother can take both pregnancy leave and parental leave for a total of 35 weeks off work.

Both parents can be on leave at the same time. This means that a natural father could take parental leave at the same time the mother is on pregnancy or parental leave.

Note: *If your staff have questions about Employment Insurance benefits while on leave, they should contact the nearest Human Resources Centre of Canada for information.*

Pregnancy Leave

QUALIFICATIONS

For your employee to be eligible for pregnancy leave, you must have hired her at least 13 weeks before the date her baby is expected to be born. This is called the "due date".

Your employee's eligibility depends on the due date — not the date the baby is actually born.

For example, a woman may begin a job with you and her due date is in 15 weeks, but the child is born 12 weeks after she starts her new job. She is still eligible for pregnancy leave because her due date was at least 13 weeks after she started the new job.

Both part-time and full-time employees qualify for pregnancy leave.

START AND LENGTH OF LEAVE

Your employee can start her pregnancy leave any time during the 17 weeks before her baby is due. As to when the leave starts, that decision is hers to make — not yours.

She can plan to work right up until her due date, but no later. If the baby is born earlier, her leave starts on the day the child was born. Her pregnancy leave will end 17 weeks later and she must take it all at one time.

You cannot make your employee start her leave if she is sick, even if the illness is caused by her pregnancy. (Please see page 33.)

NOTICE

At least two weeks before she plans to start her pregnancy leave, your employee has to give you a letter that tells you what her plans are. This is called a "written notice".

In this notice she must tell you the date she plans to begin her pregnancy leave. She must also include a letter from her doctor telling you when her baby is due.

She may also tell you the date she plans to return to work, though this is not required by law. If she doesn't give this date, you can assume that she is taking the full 17 weeks' pregnancy leave.

She does not lose her right to pregnancy leave if she does not give you the required notice. This may happen if she doesn't know about the need to give you written notice or she hasn't had the chance to give it to you because the baby is premature and she has to leave work suddenly.

Parental Leave

QUALIFICATIONS

Both parents, father and mother, are each entitled to take 18 weeks' parental leave.

A "parent" is a man or woman who:

- is the natural parent of a child;
- adopts a child;
- becomes a step-parent;
- is in a long-lasting relationship with the child's other parent and intends to treat the child as his or her own. This also applies to same-sex couples.

For an employee to be eligible for parental leave, you must have hired them at least 13 weeks before the date their leave is expected to start. Both part-time and full-time employees qualify for parental leave.

START AND LENGTH OF LEAVE

A mother's parental leave usually starts when her pregnancy leave ends. But if her baby is not yet in her care when her pregnancy leave ends (for example, the child is still in the hospital), she may start her parental leave after the child comes home and into her care.

A natural father, adopting parent or a step-parent will decide when to take parental leave. They must start parental leave no later than 35 weeks after:

- the baby is born

or

- the child first comes into their custody, care or control.

Parental leave must be taken all at one time.

WRITTEN NOTICE

At least two weeks before an employee plans to start parental leave, they have to give you a letter telling you what their plans are.

The notice should give the date that they plan to start the parental leave. Your employee may also tell you when they plan to return to work, though this is not required by law. If you are not given this date, you should assume that your employee will take the full 18 weeks of parental leave.

Please note, a natural mother can tell you about her plans to take both pregnancy and parental leave in the same letter. Or she may choose to give you written notice for parental leave two weeks before the end of the pregnancy leave.

If an employee does not give you the required notice, they do not lose the right to parental leave. For example, this may happen if a child is born prematurely or an adoptive child arrives sooner than expected. In either case the parent would not have the opportunity to give you the required notice.

Changes to Pregnancy or Parental Leave Plans

The employee is allowed to change the start or finish dates of either leave. They must, however, tell you in writing what the changes are. The timing for the notice depends on whether or not the leave has started.

Before your employee starts the leave:

You must be told about any changes to the leave dates at least two weeks before the change happens.

For example:

- if your employee wants to start the leave earlier, you must get written notice at least two weeks before the new date;
- if your employee wants to start the leave later, you must get written notice at least two weeks before the leave was originally planned to start.

STOPPING WORK EARLY FOR MEDICAL REASONS*

If your employee stops work on her doctor's advice before her leave starts or was to start, she must give you the following within two weeks:

- a letter from her doctor that confirms her due date and tells you that she is unable to work for health reasons
- written notice that tells you when her pregnancy leave will begin.

In the situation described above, it is important to remember that:

** Medical reasons may or may not be related to her pregnancy.*

- the employee has a valid health-related reason for being off work, even though it may be related to her pregnancy
- the employee does not have to start her pregnancy leave at this time — she has a right to go on sick leave
- if there is a sick plan at work, the employee has a right to benefits under the sick plan until she starts her pregnancy leave
- her pregnancy leave does not have to start until whichever of the following comes first:
 - 1) the actual date her baby is born,
 - 2) the due date,
 - 3) the date she intended to start her pregnancy leave as stated in her written notice.

BIRTH EARLIER THAN DUE DATE

If the employee stops work because her baby was born earlier than expected she must give you the following within two weeks:

- a letter from her doctor saying when the baby was due and when it was born,
- written notice confirming the date her pregnancy leave began.

In her written notice your employee may tell you when she plans to return to work, whether she plans to take parental leave, or both. She is not required to do either at this time. If she does tell you about her plans, she can change them providing she is able to give you four weeks written notice before the change is to happen.

MISCARRIAGES

An employee who suffers a miscarriage or a stillbirth within the 17 weeks before her due date is still eligible for pregnancy leave.

In such cases pregnancy leave will end 17 weeks after it started or six weeks after the stillbirth or miscarriage, whichever is later.

Parental leave is not available to the employee if she suffers a miscarriage or stillbirth, or if the child dies before the pregnancy leave ends.

LATE BIRTHS

An employee who has already taken 17 weeks pregnancy leave but has not yet given birth continues to stay on pregnancy leave until the baby is born. The pregnancy leave will end, and the parental leave will begin when the child is born.

Rights During Pregnancy and Parental Leave

PAY, SENIORITY AND BENEFITS

You do not have to pay an employee's wages when they are on pregnancy or parental leave. Your employee does earn credits for seniority and service and some benefits when on pregnancy or parental leave, just as if they had stayed at work. However, periods of pregnancy and parental leave will not be counted towards completion of probationary periods of employment.

If you provide benefit plans such as pension plans, life, accidental death, extended health and dental insurance, your employee may continue to take part in these while on leave. To do this, your employee must pay the employee's share (if any). You must continue to pay the employer's share unless your employee tells

you in writing, that he or she does not want to make the employee's payments.

Right to Reinstatement After Pregnancy and Parental Leave

RETURN TO WORK

When they return, your employees must, in most cases, be given the same job and pay they had before they went on leave. If the wages for the job have gone up while they were away, they get the higher wage.

If you hired a replacement to do the employee's job while she was away, your employee must get her job back from the replacement. If the old job has been changed, you must offer the employee one that is comparable. The wages should be at least equal to, or better than, the wages for the old job.

An employee who is dismissed for legitimate business reasons which are completely unrelated to the pregnancy or parental leave will not have to be reinstated. However, the employer would have to be able to provide the evidence to show that this was the case in order to be relieved of the reinstatement obligations under the Act.

PROHIBITION AGAINST PENALTY

If your employee is eligible, will be eligible, or has taken a pregnancy or parental leave, you can't dismiss, lay off, penalize or suspend this employee because he or she applied for, or took, this leave or intends to do so.

Introduction

If you have to either terminate employees or lay off employees there are some things that you have to know about. To terminate an employee, you may be required to give them notice or pay-in-lieu and in some cases employees will be entitled to severance pay as well. Where you have laid off employees, termination and severance payments may be triggered after the layoff has run for a certain period of time.

Notice of Termination

"Notice of termination" is when you tell employees in writing that their employment with you is going to end permanently. There are other words that mean the same as termination: "being let go", "discharged", "dismissed", "fired" or "permanently laid off".

While the law allows you to end an employee's employment at any time, there are some exceptions to this rule. For example, employees cannot be terminated:

- because they are on pregnancy or parental leave;
- for refusing to take a lie detector test (Such tests are not allowed under the Act.);
- if they are retail employees who refuse to work on Sundays or holidays;

- because their wages are subject to garnishment or a court ordered payment.

Also, employees cannot be terminated or disciplined for asking the Ministry of Labour to enforce any of the laws in the *Employment Standards Act*.

If you do want to terminate employees, you must give them **proper written** notice of termination.

If there is a union contract, special rules may also apply to termination.

EXEMPTIONS

The Act does not require you to give employees notice of termination or termination pay if they:

- are fired for wilful misconduct, disobedience or wilful neglect of duty that is not condoned by you;
- are free to decide when to work, and can turn down work when it is offered without penalty;
- were hired either for a specific length of time of 12 months or less, or for a job that was going to last for 12 months or less, and they work to the end of the time (If their employment is ended after they work three months or more, and they do not finish their full term of employment, they are entitled to notice.);
- are doing construction work* on site;
- have reached retirement age as established by employer practice (If you allow employees to continue working after that age, they are entitled to notice of termination.);
- have refused reasonable alternative work with you;

* *In this case, a person doing construction work on site is employed in the construction, alteration, decoration, repair or demolition of buildings, structures, roads, sewers, water or gas mains, pipelines, tunnels, bridges, canals or other works at the site.*

- have refused work available through a seniority system (this is also called "bumping");
- do not come back from a layoff within a reasonable time when asked by you;
- are terminated during, or because of, a strike or lockout at their place of work;
- are "temporarily" laid off (see page 46);
- lost their employment because an unexpected event — such as a fire or flood (or, in some cases, a severe health problem) — makes it impossible for you to keep them employed.

Note: "unexpected event" **does not** include bankruptcy or insolvency.

LENGTH OF NOTICE

How much notice you must give your employees depends on the period of employment:*

Period of Employment	Notice Period
Less than 3 months	0
3 months or more, but under 1 year	1 week
1 year or more, but under 3 years	2 weeks
3 years or more, but under 4 years	3 weeks
4 years or more, but under 5 years	4 weeks
5 years or more, but under 6 years	5 weeks
6 years or more, but under 7 years	6 weeks
7 years or more, but under 8 years	7 weeks
8 years or more	8 weeks

* *The employee's period of employment began when they began working for you and ends when notice of termination is given. Successive periods of employment will be counted as one unless they are separated by more than 13 weeks.*

MASS TERMINATION

Special rules for notice of termination may apply when 50 or more employees in an establishment receive notice of termination at an establishment within any four weeks.

Mass termination notice of:

- 8 weeks must be given to employees if you are terminating 50 to 199 employees;
- 12 weeks if you are terminating 200 to 499 employees; and
- 16 weeks if you are terminating 500 or more.

If you intend to terminate employees en masse, you must submit a completed Form 1 to the Director of Employment Standards, advising the Ministry of your intention to reduce your workforce. Please see Appendix A for a copy of Form 1.

PROPER WRITTEN NOTICE OF TERMINATION

The law says that if employees have worked for you for three months or more, they are entitled to written notice that tells them when their job will end. The notice must be in writing.

TERMINATION PAY

If you don't give written notice, you must pay termination pay instead. This is sometimes called "pay-in-lieu of notice" or "lieu pay".

This is a lump sum payment that is equal to the wages they would be paid during the period of notice that you were supposed to give. The employees' benefits must be continued for the same period.

For example, if any of your employees have worked for you for four years, they are entitled to get four weeks' written notice. If

you do not give four weeks' written notice, you should give them four weeks' pay and continue the benefits for four weeks.

Termination pay must be the same as the employee's regular pay without overtime. It cannot be less. Vacation pay is earned on the wages the employee is entitled to during the notice period or pay-in-lieu.

OTHER ENTITLEMENTS ON TERMINATION

In addition to proper notice or “pay-in-lieu of notice”, employees are entitled to the following when terminated:

Any unpaid vacation pay:

Employees who are entitled to any outstanding vacation pay must be paid no later than seven days after the termination.

Payment of wages:

If you give your employees written notice, you must keep on paying their regular wages and continue to pay all benefits. This payment continues to the end of the notice period as long as they are still working or are away from work for a good reason, such as illness.

Employees who would be entitled to vacation or vacation pay get at least 4 per cent of total wages less any vacation pay you have paid them. Vacation pay is earned even if the employee works only a few hours for you.

You have to pay all the wages owed to your employees no later than seven days after termination.

TEMPORARY WORK

Your employees can work past the date their notice of termination was to take effect if you give them temporary work.

You do not have to give a new notice of termination unless they work longer than 13 weeks past their original termination date. If you have approval from the Ministry of Labour, this work period can be extended beyond the 13 weeks.

Your employees may work longer than the 13 week temporary work period or any extension of it. If you still want to end their employment, you must give another written notice of termination. This new notice period must be based on the length of time they have worked for you, including the expired notice period and the period of temporary work.

Severance Pay

"Severance pay" is another payment some employees are entitled to when they lose their jobs. It is compensation for the years and effort they have put into the employer's business. Severance pay is not the same thing as termination pay.

ENTITLEMENT

You do not have to pay everyone severance pay. Under the Act, employees are eligible for severance pay *only* if:

- they have worked five or more years for you;
and
- you are in *one* of the following two groups:
 1. you have a payroll* in Ontario of at least \$2,500,000 a year;

* *The Act defines payroll as "the greater of the wages (including vacation pay) earned by employees in either:*

- 1) the last fiscal year which ended before the employee was terminated; or*
- 2) the second last fiscal year; or*
- 3) the four weeks ending with the last day of the last completed pay period before the employee was terminated, multiplied by 13".*

or

2. you are no longer going to be carrying on all or part of the business, and 50 or more employees will lose their jobs for this reason in any six-month period.

If the above conditions are not met, your employees do not qualify for severance pay.

There are other reasons why an employee would not get severance pay. The most common reasons are they:

- have refused reasonable alternative employment with you;
- have refused reasonable alternative work available to them through a seniority system (this is also called "bumping");
- have retired and collect a full pension (not including a CPP pension);
- have been terminated as the result of a strike or lockout and you can show that you are unable to carry on all or part of the business because of the economic effects of the strike;
- have been employed to work on a construction* site;
- are free to decide when they want to work, and can refuse work when it is offered, without penalty;
- were fired for wilful misconduct, disobedience, or wilful neglect of duty that was not condoned by you;
- are not able to do their work due to an illness or injury that is chronic or long term and are not expected to return to work at any future date;
- are "temporarily" laid off as described on page 48.

* *In this case, a person doing construction work on site is engaged in the construction, alteration, maintenance or demolition of buildings, structures, roads, sewers, pipelines, mains, tunnels or other works at the site.*

AMOUNT

If employees qualify for severance pay, you must pay this in a lump sum payment that is equal to one week's regular pay without overtime for each year of employment. You must give credit for full months of employment.

For example, if an employee has worked for 10 ½ years, you would pay them 10 ½ weeks' regular pay as severance pay.

There is a limit of 26 weeks' regular pay for severance pay. So even if an employee has worked longer than 26 years, 26 weeks is the most that employee can get.

RESIGNATION

If employees have been given notice of termination, they may resign and yet retain the right to severance pay provided their resignation takes effect during the statutory portion of the notice period and they give you at least two weeks' written notice of their intention to resign.

The statutory notice period is the notice you are required to give your employees under the Act. (Refer to the chart on page 39.)

If you have given your employees more notice than required under the Act, the statutory portion of their notice will come at the end of the longer notice period given.

Example 1.

You have an employee who has worked for you for eight years. You have given him eight weeks notice of termination as required by the Act. The employee can give you two weeks notice of his intention to resign and end the employment relationship within that eight week period:

- i) eight year employee is given eight weeks notice of termination on January 1st;
- ii) statutory notice period of eight weeks ends February 26th;
- iii) employee may resign during the statutory notice period between January 1st and February 26th. However, because employee must give two weeks written notice of resignation, employee would be unable to resign prior to January 15th without giving up the entitlement to severance pay.

Example 2.

You have an employee who has also worked for you for eight years, but you have given her 12 weeks notice of termination. This notice is four weeks longer than the notice period required under the Act. The statutory portion of this notice is deemed to be the last eight weeks of the 12 week period. This employee could resign and retain her right to severance pay only if her effective date of resignation fell within the last eight weeks of the notice you had originally given:

- i) eight year employee is given 12 weeks notice of termination on January 1st;
- ii) statutory notice period of eight weeks ends March 26th (last eight weeks of 12 week period given);
- iii) employee may resign on any date between January 29th and March 26th, with two weeks written notice;
- iv) employee could not resign between January 1st and January 29th without losing the entitlement to severance pay, as this is not within the statutory portion of the notice period.

Temporary Layoff

You are allowed to cut back hours or temporarily stop your employees' work without ending or terminating their employment. This can happen when business slows down and you do not have enough work for your employees. This is called a temporary layoff.

You are not required to give notice or other advance warning if the layoff is short-term or temporary. Nor are you required to tell your employees why they are being laid off.

The Act does not require you to consider length of service when laying off employees although a collective agreement usually does.

LENGTH OF LAYOFF

You cannot lay your employees off indefinitely. (A union contract or employment contract may have rules about how long a layoff may last.)

TEMPORARY LAYOFF AS DEFINED FOR TERMINATION PAY ENTITLEMENTS

Under the Act, you may have to pay them termination pay, severance pay or both after the layoff periods reach a certain length of time. The right to termination pay may be triggered after a specified number of weeks of layoff have passed. For the purposes of determining when the termination pay entitlements are triggered, a week of layoff is defined as a week in which employees get less than one half the amount they would earn at their regular rate in a normal workweek with no overtime.

A week of layoff does not include a week in which the employee was:

- unable to work;
- unavailable for work;
- under disciplinary suspension;
- not provided with work because of a strike or lockout at his or her place of employment or elsewhere.

Employees are not entitled to notice of termination when they stop work because of a temporary layoff. At a certain point however, the temporary layoff is deemed to end and the employee may be entitled to pay-in-lieu of notice if he or she is not called back to work.

Temporary layoff can last for not more than 13 weeks in a 20 week time period, or up to 35 weeks in any 52 week time period, as discussed below:

1. 13 Weeks in 20

If you do not pay your share of group insurance premiums for employees who are on layoff (e.g., medical or dental insurance)

and you are not continuing your share of the contribution to the employees' pension plan

and those employees are not entitled to or receiving supplementary unemployment benefits*

then the employees will be considered to be terminated after spending a total of more than 13 weeks on layoff in any period of 20 consecutive weeks.

* This refers to benefits paid under an employer's SUB plan.

Note: *The 13 weeks on layoff do not have to be consecutive. For example, the employees could be on layoff for 5 weeks, back to work for 2 weeks, on layoff for 4 weeks, back to work for 1 week, then on layoff for another 4 weeks - and after that point, the temporary layoff would be a termination.*

2. 35 Weeks in 52

If you are paying your share of the group insurance premiums for employees on layoff

or you are paying your share of the contribution to the employees' pension plan

or those employees are receiving or are entitled to supplementary unemployment benefits

then the employees will be considered to be terminated after spending a total of 35 weeks on layoff in any period of 52 consecutive weeks.

Note: *The 35 weeks on layoff do not have to be consecutive.*

The amount of termination pay is based on your employee's period of employment, ending with the date the layoff began. To determine the amount of money that you must pay to your employee, look in the section about Notice of Termination in this guide.

TEMPORARY LAYOFF AS DEFINED FOR SEVERANCE PAY ENTITLEMENTS

The right to severance pay may be triggered after a specified number of weeks of layoff have passed. For the purposes of determining when the severance pay entitlements are triggered, a week of layoff is defined as a week in which the employee gets less than one quarter of the wages earned at their regular rate in a normal workweek with no overtime.

A week does not count as a week of layoff if your employee was:

- unable to work;
- unavailable for work;
- under disciplinary suspension for a reason;
- without work because of a strike or lockout at his or her place of employment or elsewhere.

Your employee may qualify for severance pay after 35 weeks of layoff in any period of 52 consecutive weeks.

If you laid off your employees because you closed all of your business **permanently**, they may be entitled to severance pay after one week.

To determine if your laid-off employees qualify for severance pay, how much they are entitled to and when they should receive it, please refer to the Severance Pay section of this guide.

WORK DURING LAYOFF

Employees may work for another employer during a layoff and still have rights to termination or severance pay from you if you do not call them back to work before the temporary layoff ends.

CALL-BACK DURING TEMPORARY LAYOFF

When you call employees who are on temporary layoff back to work either to their own job or to a different job, the employees may:

- return to work within a reasonable period of time, or
- refuse to return to work.

Refuses to Return

If employees refuse to return to the job, and it was a reasonable alternative to their own job, you will not have to pay them severance or termination pay.

If the employees refuse an alternate job offered through an established seniority system but it is not a reasonable alternative job, you will not have to pay termination pay although you may have to pay severance pay to the employees.

RECALL RIGHTS

How they affect eligibility for Termination Pay and Severance Pay

“Recall rights” is a term commonly used in union contracts. It refers to the rights of employees on layoff to be called back to work in order of seniority.

Employees who are on layoff have a choice. They can either choose to keep their recall rights or to give them up. This section explains the employees’ entitlements to termination pay and/or severance pay if they decide to give up the rights or to keep them.

1. 35 weeks in 52

Earlier in this section we explained that employees who are laid off for **35 weeks or more in 52 weeks** are deemed to be terminated. Since they are terminated, they are entitled to termination pay and, if they are qualified, to severance pay. They may also decide to keep the recall rights or to take the pay (termination and/or severance) immediately. Employees who choose to take the pay lose the recall rights.

If employees decide to keep the recall rights or do not make the decision, you must send the severance pay and/or termination pay

that you owe them to the Director of Employment Standards of the Ministry of Labour where it will be kept in trust.

2. 13 weeks in 20

Employees who are entitled to termination pay after **13 weeks of layoff in 20 weeks** must be paid the termination pay immediately. These employees still keep their recall rights under the contract even though you have paid them termination pay.

However, employees who are entitled to severance pay cannot receive it until the layoff is 35 weeks or more in 52 weeks. At that time they can take the severance pay or keep their recall rights.

If they choose to keep the recall rights, you must send the severance pay to the Ministry where it will be kept in trust.

If the employees later give up their recall rights, or the recall rights expire, the Ministry will pay them the severance pay that is owing to them.

Recall to Work

Employees who are recalled after severance and/or termination has been paid to the Ministry of Labour may either:

- **accept the recall:** If this happens, the Ministry will return to you the money it is holding in trust;
- **refuse the recall:** If this happens, the employees are still entitled to either termination and/or severance pay or both. The Ministry will send it to the employees.

Benefit Plans

You decide about benefit plans for your employees. If you decide to provide benefit plans, you must follow the rules in the *Employment Standards Act* which prohibit discrimination.

Plans that include the following are affected:

- superannuation benefits;
- retirement and pension benefits;
- unemployment benefits;
- income replacement payments;
- death benefits (including life insurance plans);
- disability benefits;
- sickness benefits;
- accident benefits;
- medical, hospital, nursing or dental benefits.

The rules apply both to the plans' contribution requirements and their benefit payments.

Distinctions between employees or types of employees or their dependents because of their **age**, **sex** or **marital status** are not allowed under the Act.

- Age** You cannot discriminate between employees who are 18 or over but under 65.
- Sex** You cannot discriminate between male and female employees or against pregnant employees. Nor can you distinguish between employees because they are, or are not, the head of a household or the primary wage earner.
- Marital Status** You cannot discriminate between single and married employees, including those who live in common-law marriages, and unmarried employees supporting dependents.

EXCEPTIONS

There are some exceptions to the rule about discrimination. They are complex, and if you require more information about them, call the nearest Ministry of Labour office.

Payment of Wages

You, as the employer, decide what day will be the regular pay day, and you must pay your employees on this day. The wages must be paid in cash or by cheque at the employees' workplace. Wages may be paid by direct deposit to banks or other financial institutions away from the workplace *only* if your employees or their union agree.

Pay Information Record Keeping

WRITTEN RECORDS

All employers in Ontario must keep written records about each person they hire. Some of this information must be kept for two years and some must be kept for five years.

Records to be kept for 2 years:

- the employee's name and address;
- the employee's wage rate and gross pay;
- the employee's net pay after deductions have been made;
- the amount and purpose of each deduction made;
- documents and information regarding pregnancy leave or parental leave;
- if the employee is a student under 18, the employee's date of birth;
- the number of hours worked by the employee by day and week;
- living allowances or other payments to which the employee is entitled.

Records to be kept for 5 years:

- the date each employee began employment;
- the name and address of each employee;
- wage records for each pay period and vacation pay records.

REGULAR WAGES

Each time you pay regular wages you must give your employees the following information:

- the period of time or the work for which you are paying the wages;
- the wage rate (unless you have told your employees in some other way, such as an employment contract);
- gross wages;
- the amount of each deduction and the reason for it;

- any living allowance or other amount paid (such as a bonus);
- net pay.

Employees must be able to keep this information. One way to do this is to attach a pay stub to each pay cheque.

VACATION PAY

When you are paying vacation pay, you must give your employees the following information in writing:

- the period of time or the work for which you are paying the vacation pay;
- the amount of wages on which you calculated the vacation pay;
- the amount of each deduction and the reason for it;
- the employee's net vacation pay.

Deductions from Wages

There are only three situations that allow you to deduct money from your employees' wages. If none of the following situations apply, you *cannot* make a deduction.

1. STATUTORY DEDUCTIONS

Sometimes a federal or provincial statute allows or requires you to make deductions from an employee's wages. In these cases you must follow the rules to determine how much you can deduct. You cannot deduct any more than the law says. For instance, there are statutes that require you to make deductions for income taxes, employment insurance premiums and Canada Pension Plan contributions.

2. COURT ORDERS

A court order may say that an employee owes money either to you or someone else and that you can make a deduction from their wages. If the employee owes you the money, the court order does not have to tell you to deduct the debt from the wages. You can make the deductions. If the money is owed to someone else, you may receive a court order directing you to make the deductions. As long as a court has said that the employee owes a debt, you can make the deduction.

The *Wages Act* limits how much you can deduct at any one time. Unless the court has said otherwise, 50 per cent of your employee's net wages are exempt from deduction if the court order is about support payments, and 80 per cent in any other case.

Please contact the Ministry of the Attorney General for more information about the *Wages Act*.

3. WRITTEN AUTHORIZATION

You can deduct money from your employees' wages for such things as losses or cash shortages *only* if the employees have signed an agreement to the deduction. This is called a "written authorization".

Any authorization employees sign must state the **amount** that can be deducted. For example, if it says "any money missing" or "any money I owe to my employer", it is not valid. The authorization must also state that a deduction **from wages** is allowed. If it is only a general statement that the employee owes you money, you cannot make a deduction from wages.

Where benefit plans or RRSPs are offered, employees must sign an authorization to have the amount deducted from their pay.

Even with a signed authorization, you cannot make deductions from their pay if:

- **the loss is due to “faulty workmanship”**

For example, a mistake in a credit card transaction is viewed as faulty workmanship. You cannot deduct the cost of such a mistake from an employee’s wages.

or

- **the loss happens when an employee did not have total control over the cash or property**

If someone else has access to the cash or property (including another employee), a deduction cannot be made from their pay. You may make a deduction *only* if the employee alone had access to the cash or property.

The Ministry of Labour develops and administers the *Employment Standards Act* and regulations.

Ministry staff in the Employment Standards Program enforce the Act and Regulations where employees are not covered by a collective agreement. They investigate possible violations and determine whether or not a violation has occurred. If they find that there is a violation, they can either resolve the issue or order the employer to fix the situation.

Investigations are usually started in response to a complaint from an employee, a former employee or a group of employees. The Ministry may undertake the investigation on its own initiative.

Employees who are covered by a collective agreement must pursue complaints through the grievance process that is set out in the collective agreement.

What Happens if There Is a Complaint Against You?

THE INVESTIGATIVE PROCESS

When a complaint is received from an employee who is not covered by a collective agreement and who has not commenced a civil action regarding the matter, a staff member of the Employment Standards Program is assigned to determine if there is a potential violation. In many cases the person filing the

complaint will be given a self-help kit and encouraged to approach you, the employer, to resolve the issue.

This may not always be possible or appropriate. In that case the Ministry staff will advise you that the complaint has been filed and encourage you to take the steps to resolve the matter.

If there is no resolution, an Employment Standards officer will then conduct a full investigation. You will be given an opportunity to present the facts. You may also be asked to provide your employment-related records to the officer. Your premises may be visited by the officer and you may be asked to attend a “fact-finding” meeting with the officer and the complainant.

FACT-FINDING MEETINGS

A fact-finding meeting gives both parties an opportunity to present their cases to the Employment Standards officer and resolve the issues as quickly as possible.

If you receive notice about a fact-finding meeting, you must attend. Both you and the complainant will receive a letter setting out the time, date and place. The letter will ask that you bring certain documents and records with you. This, too, is mandatory. You are welcome to bring along any other documents that you think will support your case. Your lawyer may attend as well.

The officer will ask the complainant to state what his or her concerns are and request any documents that are related to the complaint. You will also be asked questions by the officer. You may also bring along any witnesses that you would like the officer to speak with. If you are going to bring witnesses, you should contact the officer ahead of time.

OFFICER’S DECISION

After both parties have had an opportunity to present information, the officer can make a decision. The decision may

be to tell you and the complainant that the matter should be resolved or it may be to issue you an order to tell you and the complainant how the matter should be resolved. It may be that the officer finds no violation of the law.

If the officer finds that you do owe money and you are unable or unwilling to comply with that decision, the officer will issue a formal written notice. This is called an “order to pay”. It will tell you what you owe plus an administration fee. The fee will be either \$100 or 10 per cent of what you were found owing, whichever is larger. The maximum amount that an officer can issue an order to pay for in respect to any one employee is \$10,000 (not including the administrative fee). The \$10,000 limit does not apply to monies that became due prior to December 1, 1996.

REVIEW OF OFFICER’S DECISION

If you are dissatisfied with the officer’s decision, you can apply to have the Order reviewed. This option is available to the employee as well. To apply for a review you must do two things:

- Forward payment of the amount ordered to the Director of Employment Standards, Ministry of Labour, 400 University Avenue, Toronto, Ontario M7A 1T7 or to your local Ministry of Labour office. The Ministry will issue a proof of payment to you and hold the money in trust. Payment should be made by cheque, money order or letter of credit. A letter of credit must be in a form that is acceptable to the Ministry, i.e., contain no conditions, expire no less than one year from the date it is issued, be prepared by a major Canadian bank, be for an amount that is 5 per cent greater than the Order to Pay to allow for accrued interest and the Director of Employment Standards is the beneficiary.
- Complete an Application for Review and submit it to the Ontario Labour Relations Board. Application for Review forms may be obtained in the following ways:

1. from any Ministry of Labour office
2. through the Ministry's fax-back system at
(416) 326-6546
3. from the

Ontario Labour Relations Board

400 University Avenue

Toronto, Ontario

M7A 1V4

Fax: (416) 326-7531

Telephone: (416) 326-7500

The application for review, setting out the facts and reasons for application must be forwarded to the Registrar, Ontario Labour Relations Board, 400 University Avenue, 4th Floor, Toronto, Ontario M7A 1V4 within 45 days of the date of the Order.

REVIEW PROCESS

When a request for a review is received, the Ontario Labour Relations Board will schedule a mediation meeting with the parties. If the matter is settled, minutes of settlement are drawn up and signed-off by the parties. If the matter is not settled, a Vice-Chair is appointed, and a hearing is arranged. All of the parties involved have a right to appear at the hearing, present their information and explain why they think the officer was right or wrong.

The Vice-Chair can uphold the officer's decision or change the order and/or the amount of money to be paid to the complainant. The order can also be rescinded by the Vice-Chair — in which case the money is returned to you.

The party who requests the review can withdraw the request before it is heard.

Decisions of the Vice-Chair are final and binding. Although you may apply to Divisional Court for a Judicial Review, the court will not usually interfere with the decision so long as it meets a “reasonableness” test.

COLLECTIONS

If the officer issues an Order to Pay that is not paid or an application for review has not been received, the Employment Standards Program will forward the file to a private collection agency when the 45 day review period expires.* The law requires that twenty per cent be added to the order to cover the collection agency fee. Once a file is sent to a collection agency, remitting funds directly to the Ministry will not avoid the collection agency fee of twenty per cent.

ENFORCEMENT

There are a number of tools that the Ministry can use to enforce the *Employment Standards Act*. Some officers have the authority to issue tickets to employers. The ticket assesses a fine against the employer for failing to comply with certain administrative requirements such as providing employment records to an officer.

If an employer does not comply with the *Employment Standards Act*, the Ministry may choose to prosecute. If convicted, the employer can be fined up to \$50,000 and/or sentenced to a prison term of up to six months.

* *Details of the Review Process are on page 61 of this guide.*

Discounts

You decide if your employees get a discount on products you make or sell, or on services you provide and how much the discount will be. This is not covered in the law.

Dress Codes

Dress codes, uniforms, other clothing requirements and who pays for them are also your decision.

A dress code, however, cannot violate a collective agreement at the workplace, the Ontario *Human Rights Code* or the rules under the *Occupational Health and Safety Act*.

Sick Leave and Bereavement Leave

It is your decision whether your employees get paid sick leave or bereavement leave. The Act does not say that you **must** give your employees either type of leave. The rules about discrimination in benefit plans apply to sick leave plans.

Wrongful Dismissal

The rules about notice of termination and severance pay that are discussed in this guide are the minimum requirements. An employee you have terminated may sue you in court for “wrongful dismissal”, even if you have followed the rules in the *Employment Standards Act*. Courts have their own rules on what you must do and how much money you must pay when you want to terminate an employee.

Wrongful dismissal is **not** covered by the *Employment Standards Act*, and the Ministry of Labour **does not** handle wrongful dismissal. If an employee sues you for wrongful dismissal or you have questions about it, you may want to consult your lawyer.

Definitions:

SOME WORDS YOU SHOULD KNOW:

The Act and the regulations have some words and phrases that are commonly used.

Employer	A person or business that employs one or more people, especially for wages or salary. This includes: <ol style="list-style-type: none">1. the owner, proprietor, manager, superintendent, overseer, receiver or trustee of any activity, business, work, trade, occupation, profession, project or undertaking that has control or direction of or is directly or indirectly responsible for, the employment of a person, and
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2. any associated or related corporations, individuals, firms, syndicates or associations treated as one employer under section 12 of the Act, where any one has control or direction of, or is directly or indirectly responsible for, the employment of a person.

Employee

A person working for another person or a business firm with the expectation of wages. This includes a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer.

Regular Day's Pay

Is the wages you pay an employee for a day's work.

If the number of hours your employees work changes each day or each week, a regular day's pay can be calculated by dividing the wages (not including overtime, vacation pay or sick pay) they earn in the workweek by the number of days worked.

If your employees work on a piece-work system, the regular day's pay is calculated the same way as above.

Note: *When calculating a regular day's pay for a public holiday, follow the rules in that section.*

Regular Week's Pay

Is the pay your employees would receive in a normal workweek without any overtime, even if the employees regularly work overtime.

Workweek	<p>As the employer, you set the day on which the workweek starts either through a formal policy or through established practice.</p> <p>A workweek is seven consecutive days beginning on the day that you have established.</p>
Premium Rate	<p>Is a wage rate higher than your employees' standard wage rate. For example, most employees who work on a public holiday are entitled to receive premium pay of at least one and one-half times their regular wage rate (often called time and a half). For example, an employee earns \$10.00 an hour. The premium rate at time and a half would be \$15.00 an hour.</p>
Collective Agreement	<p>Is a contract that results from collective bargaining which is a system that lets employees deal as a group with their employer. A union, or other agent, acts on behalf of the employees.</p> <p>Such agreements contain or are deemed to contain rules on wages and working conditions that are at least equal to or better than the rules in the Act.</p>
Establishment	<p>Generally refers to a single workplace. It can also mean more than one workplace if they are located in the same municipality or if employees have bumping rights from one location to another.</p>
Piece-work	<p>Is a system of pay where an employee is paid for each unit of work completed, not for the number of hours worked.</p>

Independent Contractor

You may plan to engage an “independent contractor” rather than hire an “employee”. You should know that the person may be considered to be an “employee” under the *Employment Standards Act* despite the fact that you call them an “independent contractor”. They may also be considered to be “employees” for other legislation as well.

If you have questions, you should call the Ministry of Labour.

Where to Get Help

TELEPHONE

Look in the *blue pages* of your telephone directory, in the “Government of Ontario” section, for the Ministry of Labour office nearest to you.

If you are located outside of Metro Toronto or Mississauga, call 1-800-531-5551. This number will connect you to the nearest Ministry of Labour office.

PUBLICATIONS

The *Employer's Guide to the Employment Standards Act* and the *Employment Standards Act* and Regulations can be purchased from:

1. Your nearest Ministry of Labour office (see above); *or*
2. Ministry of Labour Publications
400 University Avenue, 9th floor
Toronto ON M7A 1T7
(416) 326-7731; *or*

3. Publications Ontario
50 Grosvenor Street
Toronto ON M7A 1N8
(416) 326-5300 or 1-800-668-9938; *or*
4. POOL, Publications Ontario On-Line. Contact the Web site
at: <http://pubont.mbsec.com/pool/english>

Employment Standards Factsheets: these are useful for employers as well as employees. The following subjects are covered:

- | | |
|------------------------|---------------------|
| ■ How to File a Claim | ■ Homeworkers |
| ■ Vacation | ■ Domestic Workers |
| ■ Pregnancy Leave | ■ Minimum Wage |
| ■ Parental Leave | ■ Hours of Work |
| ■ Public Holidays | ■ Overtime Pay |
| ■ Termination | ■ Working in Retail |
| ■ Severance Pay | ■ Temporary Layoff |
| ■ Agricultural Workers | |

Employment Standards Factsheets are available from:

1. Your nearest Ministry of Labour office; *or*
2. The Ministry of Labour fax-back system called “FactsLine”.
Dial (416) 326-6546 and follow the voice prompts; *or*
3. Ministry of Labour Publications
400 University Avenue, 9th floor
Toronto ON M7A 1T7
(416) 326-7731; *or*
4. The Ministry of Labour Web site on the Internet. The
address is: <http://www.gov.on.ca/lab/es/es.htm>

Appendix A Excess Hours Permits

EMPLOYMENT PRACTICES BRANCH

PERMITS TO WORK EXCESS HOURS - CERTAIN INDUSTRIES

E. P. B. Form No.	Permit No.	
0762	1	Ambulance Service
1108	2	Asphalt Paving - Mix Plant
1109	3	Automatic Car Wash
1110	4	Automotive Repair & Gasoline Service Station
1111	5	Baking
1112	6	Carbonated Beverages
1113	7	Contract Caretaking
1114	8	Crushed Stone, Quarry & Sand & Gravel
1115	9	Fluid and/or Manufactured Milk Products
1116	10	Fruit & Vegetable Processing
1117	11	Highway Transport
1118	12	Hotel, Motel, Tourist Resort, Restaurant & Tavern
1119	13	Interurban & Municipal Transportation

E. P. B. Form No.	Permit No.	
1120	14	Laundry and/or Dry Cleaning
1121	15	Local Cartage
1122	16	Lumber & Building Supply
1123	17	Mining
1124	18	Ready-Mix Concrete Plant
1125	19	Retail Store
1126	20	Surface & Contract Diamond Drilling
1127	21	Taxi
1128	22	Logging & Sawmill
1129	23	Marina
1130	24	Concrete
1131	25	Heating
	26	Camps for Children
0755		Regulation of the Surface & Contract Diamond Drilling Industry
0756		Regulation of the Land Survey Industry

Notice of Termination Form 1

Form Information

This Form, when completed, should be sent to the Minister of Labour, in care of the Director, Employment Standards, Ministry of Labour, 11th Floor, 400 University Avenue, Toronto, Ontario M7A 1T7 (Fax) (416) 326-7061, Monday to Friday, between the hours of 8:30 a.m. and 5:00 p.m.

Please note that the completed Form must be received at the above address before the notice of termination to employees can commence.

Part A of the Form must be posted in the workplace.

Please use additional sheets where necessary.

The Ministry may, after filing by the employer, request supplementary information relating to the questions in the Form and/or to the responses given to the questions in the Form.

Additional copies of the Form 1 can be obtained from the Ministry of Labour fax-back system called "FactsLine" (see page 68).



Form 1

Employment Standards Act (Subsection 57(3))

Notice of Termination of Employment under Subsection 57(2) of the Act

Part A

1. Name of Company	2. Mailing Address
3. Location(s) Where Terminations Will Occur	

4. Total Workforce at Each Location:	5. Number of employees affected at each location with anticipated termination dates:	Date Announced			Date Effective		
		Day	Month	Year	Day	Month	Year
1. Hourly	1. Hourly						
2. Salaried	2. Salaried						
3. Other	3. Other						

5. Name(s) of the local unions, if any, representing affected employees:

7. What are the economic circumstances surrounding the intended terminations?

9. What are the provisions of the severance pay plan, if any, for affected employees?

9. Has the employer implemented or discussed with employees (or their representatives) any alternatives to termination? Please describe alternatives to termination implemented or discussed.

Alternatives Implemented:

Alternatives Discussed:

10. Has the employer implemented or discussed with employees (or their representatives) the creation of an adjustment committee?

Implemented or Will Implement	Discussed or Will Discuss	No Plans to Implement or Discuss
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Has the employer implemented or discussed with employees (or their representatives) any initiatives to facilitate the adjustment of affected employees? Please describe the relevant adjustment initiatives.

Adjustment Initiatives Implemented:

Adjustment Initiatives Discussed:

12. How many employees are expected to benefit from each initiative to facilitate the adjustment of affected employees?	Hourly	Salaried	Other
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13. Name of Company

Name of Official (Please Print)	Title	Telephone No.
Signature	Date	



Ontario
Ministry of
Labour

Form 1 – Part B

Ontario Regulation 361/94

Employment Standards Act Subsection 57(3)

List of Affected Employees (omitting names) showing age, sex, job classification and length of service.

(Provide Information separately for hourly, salaried and other employees.) Provide all available information and where information is not immediately available, specify date when it will be provided to the Minister.

	Age	Sex	Job Classification	Length of Service (years)	Age	Sex	Job Classification	Length of Service (years)
Hourly								
Salaried								
Other								

Company name

Name of Company Official (Please print)

Title

Telephone

Area Code

Number

Signature

Date

Appendix C

Ministry of Labour Field Offices

Ministry of Labour Field Offices [Employment Standards Program]

CENTRAL REGION

North York

1201 Wilson Ave
West Bldg, 2nd Fl
Downsview M3M 1J8
(416) 326-7160
Fax (416) 235-5080

Rexdale

1201 Wilson Ave
West Bldg, 2nd Fl
Downsview M3M 1J8
(416) 326-7160
Fax (416) 235-5090

Peel North

The Kaneff Centre, 4th Fl
1290 Central Pkwy West
Mississauga L5C 4R3
(905) 273-7800
*1-800-268-2966
Fax (905) 615-7098

Peel South

The Kaneff Centre, 4th Fl
1290 Central Pkwy West
Mississauga L5C 4R3
(905) 273-7800
*1-800-268-2966
Fax (905) 615-7098

Scarborough

2275 Midland Ave, Main Fl
M1P 3E7
(416) 326-7160
Fax (416) 314-5405

Durham

209 Dundas St E, Ste 204
Whitby L1N 7H8
(905) 666-4688
*1-800-263-1195
Fax (905) 666-8290

Barrie

114 Worsley St, Ste 201
L4M 1M1
(705) 722-6642
*1-800-461-4383
Fax (705) 726-3101

Newmarket

1110 Stellar Drive, Unit 102
L3Y 7B7
(905) 715-7020
*1-888-299-3138
Fax (905) 715-7140

Toronto Downtown

123 Edward St, Ste 400
M5G 1E2
(416) 314-6060
Fax (416) 314-6106

EASTERN REGION

Ottawa West

1111 Prince of Wales Dr, Ste 200
K2C 3T2
(613) 228-8050
*1-800-531-5551
Fax (613) 727-2900

Ottawa East

1111 Prince of Wales Dr, Ste 200
K2C 3T2
(613) 228-8050
*1-800-531-5551
Fax (613) 727-2900

Kingston

Beechgrove Complex
51 Heakes Lane
K7M 9B1
(613) 545-0989
*1-800-531-5551
Fax (613) 545-9831

Peterborough

Parklane Plaza
815 High St
K9J 8J9
(705) 876-1800
*1-800-461-1425
Fax (705) 742-8364

NORTHERN REGION**Sudbury West**

159 Cedar St, Ste 301
P3E 6A5
(705) 564-7400
*1-800-461-6325
Fax (705) 564-7435

Sudbury East

159 Cedar St, Ste 301
P3E 6A5
(705) 564-7400
*1-800-461-6325
Fax (705) 564-7076

Sault Ste. Marie

70 Foster Dr, Ste 480
P6A 6V4
(705) 945-6600
*1-800-461-7268
Fax (705) 949-9796

Thunder Bay

435 James St S, Ste 222
P7E 6S7
(807) 475-1691
*1-800-465-5016
Fax (807) 475-1646

Timmins

(mailing address)
P.O. Bag 3050
South Porcupine P0N 1H0

(office address)
Ontario Government Complex
D Wing
Highway 101 E
Porcupine P0N 1C0
(705) 235-1900
*1-800-461-9847
Fax (705) 235-1925

WESTERN REGION**Hamilton**

1 Jarvis St, Main Fl
L8R 3J2
(905) 577-6221
*1-800-263-6906
Fax (905) 577-1200

Brant

1 Jarvis St, Main Fl
Hamilton L8R 3J2
(905) 577-6221
*1-800-263-6906
Fax (905) 577-1324

Halton

1 Jarvis St, Main Fl
Hamilton L8R 3J2
(905) 577-6221
*1-800-263-6906
Fax (905) 577-1324

Niagara

301 St. Paul St, 8th Fl
St. Catharines L2R 7R4
(905) 704-3994
*1-800-263-7260
Fax (905) 704-3011

London North

217 York St, 5th Fl
N6A 5P9
(519) 439-3231
*1-800-265-4707
Fax (519) 672-0268

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N6A 5P9
(519) 439-3231
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Fax (519) 672-0268

Kitchener

155 Frobisher Dr, Unit G
Waterloo N2V 2E1
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N9A 6V9
(519) 256-8277
*1-800-265-5140
Fax (519) 258-1321

Sarnia

700 Christina St N
N7V 3C2
(519) 336-1200
*1-800-265-1416
Fax (519) 336-8477

MAIN OFFICE**Employment Standards Program**

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Toronto M7A 1T7
(check blue pages of telephone
directory for local number)
1-800-531-5551 [province-wide,
outside the "416" area code]

Publications

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(416) 326-7731
*1-800-268-8013 (ext 6-7731)
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Fax (416) 326-7745

*** Toll-Free Number**

[Note: Many of these "1-800"
numbers are accessible only within
the area code of the relevant
office.]

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Ministry of Labour
Operations Division

400 University Avenue
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